



REGULAR MEETING MINUTES

Date: 9/28/2020

Time: 7:00 p.m.

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Regular Meeting

A. Call To Order

Chair Henry Riggs called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Chris DeCardy, Michael Doran (Vice Chair), Larry Kahle, Camille Kennedy, Henry Riggs (Chair), Michele Tate

Absent: Andrew Barnes

Staff: Ori Paz, Associate Planner; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician

Chair Riggs provided information on the virtual meeting public comment process.

C. Reports and Announcements

Senior Planner Corinna Sandmeier said she had no reports or updates for the Planning Commission.

D. Public Comment

There was none.

E. Consent Calendar

- E1. Approval of minutes from the August 31, 2020 Planning Commission Meeting. ([Attachment](#))

ACTION: Motion and second (Chris DeCardy/Michael Doran) to approve minutes as submitted; passes 5-0-1-1 with Commissioner Michelle Tate abstaining and Commissioner Andrew Barnes absent.

F. Public Hearing

- F1. Use Permit Revision/Verle and Carol Aebi/973 Roble Avenue:
Request for a use permit revision to modify previously approved plans to demolish an existing one-story, single-family residence and detached garage, and construct a new two-story, single-family residence with a basement and detached two-car garage on a substandard lot with regard to

minimum lot width in the R-3 (Apartment) zoning district. The approved use permit included excavation within the required right side setback for a basement lightwell. The modifications include the elimination of the lightwell for a reduced basement and an increase in the detached garage size to a three-car garage from a two-car garage, creating an increase in building coverage. A new accessory dwelling unit (ADU) is proposed above the detached garage, which would exceed the maximum height for a detached ADU and requires a use permit. ([Staff Report #20-039-PC](#))

Staff Comment: Associate Planner Ori Paz said he had no updates to the written report.

Questions of Staff: Replying to Commissioner Larry Kahle, Planner Paz said the Accessory Dwelling Unit (ADU) Ordinance included a provision to allow modification of development standards through a use permit process, and for this project, the applicants were allowed to request a use permit to modify the height limit for the proposed ADU.

Commissioner Kahle said a letter from Square Three Design Studios in Attachment G stated there was an attached itemized list of changes, but a list was not attached. Planner Paz said that might have been a reference to the response to comment letter that was overlooked in the review of the project description letter. He said he believed it could be made available if wanted.

Commissioner Doran asked what the setbacks were for the ADU. Planner Paz said an ADU was allowed to have four-foot side and rear setbacks if it was no larger than 800 square feet. He said the proposal had a four-foot rear and left side setback and a five-foot four-inch right side setback.

Chair Riggs referred to the staff report and three proposed conditions for the use permit and asked if those replaced the previous use permit conditions or modified certain conditions noting in particular siding and mitered corners. Planner Paz said those had been addressed by notes in the project plans so the new conditions of approval would govern if the use permit revision was approved. He said related to siding that the horizontal siding was to be wider and have mitered corners as noted on the plans.

Applicant Presentation: Carl Hesse, Square Three Design Studios, said the property owners had very much wanted an ADU and upon the change that would allow an ADU on an R-3 project they decided to pursue a use permit revision for that purpose. He said that the revised proposal now eliminated a majority of the basement, including a light well. He said that influenced translucent windows that might or might not have been required on the second floor TV/reading room, noting some inconsistencies with the minutes and conditions of approval. He said with the removal of the light well there was more room for landscape screening and clear glass for the second floor living space was their preference. He said the garage design revision was to create a three-car garage to provide a covered parking space for the ADU. He said the request for added height for the ADU applied only to a short section of a roof ridge peak.

Commissioner Kahle said Mr. Hesse and he were friends but that did not present a conflict of interest for him. He noted the second floor TV/reading room and the translucent glazing discussed in the staff report. He said he read the minutes from the previous Planning Commission meeting when the project had been approved and his recollection was the Commission had not required those to be translucent with the idea there would be landscaping. He said with the removal of the light well there was increased room for landscaping and he thought landscaping had been the Commission's intent. He noted that it was not just the roof ridge peak on the ADU that was taller than the 16-foot requirement but the entire building was. Mr. Hesse said that was correct and he was referring to

their request to go to a height of 21-foot, five-inches at that point but the perimeter walls were not as tall as that. He said the second-story plate height was quite a bit lower.

Commissioner Kahle said at the last meeting he had expressed concern about the large second-floor deck leading to discussion about the landscape plan. He asked if they had made progress on a landscape plan and if they knew plant type and expected height. Mr. Hesse said they had not. Commissioner Kahle said they had discussed previously about landscaping along the driveway and that the driveway would be adjusted to allow for more space for landscaping but he did not see that. Mr. Hesse said they looked at that but the space could not be easily increased for landscaping. Commissioner Kahle said as the driveway went toward the back, and in the area of the second-floor deck there was room to adjust the driveway especially where the two-story building was on the next property, which was the point of screening on that side. Mr. Hesse said it would create a curve or kink in the driveway but the driveway could veer to the right as a vehicle was traveling down the driveway if that was required. He said it would make it a little harder to back out although there was space to do a three-point turn.

Chair Riggs opened the public hearing and closed it as there were no speakers.

Commission Comment: Commissioner Kahle said he thought it was great that the project would have an ADU noting the City's housing need. He said he struggled with the fact that the state law allowed a second story ADU but only up to 16 feet in height. He said the project attempted to keep the ADU at 16-feet as much as possible with eight-foot ceilings on both floors. He said he thought it was fine that the windows not be required to be translucent for the second floor TV/reading room.

Commissioner Michael Doran said he was struggling with the four-foot setbacks and a request for additional height. He said it was pushing the boundaries. He said he could support an ADU with a height greater than 16 feet if it were not built right to the four-foot required setback or he could support an ADU if it complied with the 16-foot height limit with the four-foot setbacks.

Commission DeCardy asked if the property owner directly to the rear had commented on the proposed revised project. Verle Aebi, property owner, said he did not think the rear neighbor had commented or attended the neighborhood meeting they had hosted prior to the pandemic. Carol Aebi, property owner, said on the south side of the subject property a woman, Shaleena Taylor, who lived in the first floor of a neighboring apartment complex, had expressed excitement about the new construction and was looking forward to having them as neighbors. Mr. Aebi said they had sent letters to all of the neighbors and he believed the communications the City had received were from residents of the apartment complex. He said the property owners of the properties north and south of the subject property lived out of state. He said the property owner of the property directly behind them lived in Portola Valley and owned a number of Menlo Park properties. He said they did reach out and received no responses.

Chair Riggs said he agreed with Commissioner Kahle that the windows for the second floor TV/reading room should be clear glass. He commented on the overlay done for his neighborhood that they had focused on daylight plane in terms of height allowances. He observed that the area was a two-story and apartment buildings neighborhood. He noted that the allowable height for a non-ADU residence in this zone if built at a conforming setback was 38 feet. He said the applicant's request was to increase from 16 feet to 21-foot, six-inches. He said he thought it was a reasonable and modest request. He said he did not see a visibility challenge at the rear or front property lines. He said what was adjacent primarily were two-story buildings in the 38-foot height limit zone. He

moved to approve and accept the use of clear glass for the second story TV/reading room windows. He said he supported Commissioner Kahle's recommendation that landscaping be defined so that the clear glass there was shielded to the adjacent neighbor and the same for the proposed balcony. He said he had an aesthetic issue with the mid-wall way change in materials. He said a change in materials was usually handled with an offset, noting it could be a three-and-a-half inch offset, or even a reveal, just something that indicated intentionality. He suggested they approve contingent upon a minor adjustment to the plans that would show an intentional change in materials at the architect's suggestion for review and approval by staff.

Replying to Chair Riggs, Planner Paz said that the motion seemed to be to approve with four project-specific conditions. Chair Riggs said it was to approve as recommended in the staff report to include clear glass for the second floor TV/reading room windows and the 21-foot, six-inch height request. He said additionally it was to emphasize the previous request for landscaping that would screen the balcony and TV/reading room windows and lastly for the architect to submit a solution for the mid-wall change in materials that would make it look more architecturally intentional.

Commissioner Kahle said that the motion included what he had mentioned earlier about landscaping. He seconded the motion. He said he agreed with Chair Riggs' concern about the materials change at the rear. He said it was at the back but someone would have a view of it. He said the painted siding helped. He said it was a bit of a struggle because the applicants were at the four-foot setback and the minimum parking required but he was sure that the architects could come up with a creative solution, perhaps a one-story or two-story offset, something that would make that work. He restated he was seconding the motion as proposed.

Planner Paz asked if the desire to go with clear glass for the second floor TV/reading room windows was intended to remove the project-specific condition for that glass to be translucent. Chair Riggs said that was correct. Planner Paz said an added condition was not needed to increase the height to 21-foot, six-foot inch, as that was part of the recommended approval actions. Chair Riggs said he wanted to highlight the matter of the height increase request only in his comments.

Commissioner Doran noted Commissioner Riggs' analysis of daylight plane and the relative height of the proposed ADU as compared to the greater height that would be allowed in this zoning district at greater setbacks. He said it was quite possible the requested 21-foot, six-inch height would not intrude into the daylight plane and he found that persuasive as well as the point of the neighborhood context. He said he could support the motion but for him it would be a very different situation in the hypothetical neighborhood of Eichler homes or many of the residential neighborhoods in the City.

Planner Sandmeier said the issue of the two materials was on the main building and a comment was made that was four feet from the property line. Commissioner Kahle said Chair Riggs and he were talking about the material change at the rear of the ADU building on sheet A3.05. He said it was the bottom left drawing. Planner Sandmeier said a note there indicated "recessed reveal at transition between horizontal siding." Commissioner Kahle said he thought the desire was for an offset and in the worst case a reveal. (Chair Riggs' audio was not clear for awhile during this part of the discussion.)

Chair Riggs said he had not seen the note regarding the reveal. He said he would not require the offset. Commissioner Kahle said he would second the revised motion.

ACTION: Motion and second (Riggs/Kahle) to approve the item with the following modifications; passes 6-0-1 with Commissioner Barnes absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, “New Construction or Conversion of Small Structures”) of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by September 28, 2021) for the use permit revision to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Square Three Design Studios, consisting of 21 plan sheets, received September 17, 2020 and approved by the Planning Commission on September 28, 2020, subject to review and approval by the Planning Division.
 - c. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies’ regulations that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace the driveway approach, sidewalk, curb and gutter along entire project frontage per the latest City standard details, along with any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - g. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.

- h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - i. Post-construction runoff into the storm drain shall not exceed pre- construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
 - j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.
 - k. Heritage and street trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report updated by Advanced Tree Care dated July 28, 2020.
 - l. If construction is not complete by the start of the wet season (October 1 through April 30), the Applicant shall implement a winterization program to minimize the potential for erosion and sedimentation.
 - m. Prior to building permit issuance, Applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.
4. Approve the use permit subject to the following **project-specific** conditions:
- a. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the proposed left side elevation so that the front- and rear-facing windows on the stairwell shall be obscured with translucent glazing, subject to review and approval by the Planning Division.
 - b. Prior to approval of a building permit, the applicant shall provide a partial landscape plan for the rear portion of the lot indicating landscape screening to enhance privacy along the north and south sides of the proposed balcony, as well as landscape screening in the vicinity of the second-story window with a three-foot sill height on the south elevation of the proposed residence. The partial landscape plan shall be subject to review and approval by Planning staff.
 - c. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the proposed garage floor plan to include a note dedicating one of the garage parking spaces to the ADU, subject to review and approval by the Planning Division.
 - d. Simultaneous with the submittal of a complete building permit application, the applicant shall revise the project data and area calculations to exclude the area of the uncovered stairs leading to the ADU, subject to review and approval by the Planning Division.

- e. Prior to sign off on the final inspection for the primary dwelling, the applicant shall submit documentation indicating substantial progress has been made on the construction of the ADU, subject to review and approval by the Planning Division.

F2. Use Permit/O'Brien Custom Homes, LLC/1340 Hoover Street:
Request for a use permit to demolish an existing two-story, single-family residence and a detached garage and construct two new two-story, single-family residences with attached garages on a substandard lot with respect to lot width in the R-3 (Apartment) zoning district. The proposal includes administrative review of a tentative parcel map to subdivide the project into two condominium units. ([Staff Report #20-040-PC](#))

Staff Comment: Associate Planner Matt Pruter said they had received two public comments since the publication of the staff report, one by email and one by electronic comment card. He read the two sets of comments into the record.

- *Dear Mr. Pruter,*

We recently received notice from the City of Menlo Park about the planned project at 1340 Hoover St. We are writing to the Commission as the homeowner of 677 Valparaiso Ave, which is adjacent to the left-hand side of the planned subdivision. While our home entry is on Valparaiso Ave, the rear end of our home – and our narrow backyard – will be facing the left-side yard of the rear structure proposed at 1340 Hoover St.

First, we want to begin by mentioning that – while we understand the R3 zoning in our area permits multiple structures to be built on single lots – it is untrue that the prior owner of 1340 Hoover St. approached us in 2018 with a handwritten note expressing these plans and asking if we had any concerns. We never received a note nor had any related conversations about the same. Instead, we only learned of the ‘potential’ plans to subdivide the lot from a real estate agent who was hosting an open house at 1340 Hoover St. prior to the property sale.

We’d obviously prefer to maintain the privacy we have today - with just a single home on the 1340 Hoover lot and our backyard adjacent to theirs. However, we do appreciate that the proposed development is consistent with the overall character of the neighborhood and have resigned to the fact that the Commission will be approving two homes to be built on the substandard lot.

Our intention with this letter then, is to simply outline some of our concerns and ask that the Commission takes these into consideration as the plan moves forward:

1) Regarding noise during construction: Because the entire rear side of our home is only 10 feet from the 1340 Hoover lot, we expect there will be considerable noise during the construction process. We understand this is inevitable with any construction project, but the timing of this one will be especially disruptive for us over the next few months (as I’m sure it will for neighbors on other adjacent sides as well). We have two school-age children who are both relegated to “remote/home learning” as their schools remain closed to students due the pandemic. Our oldest attends Menlo-Atherton High School which – even for students who are interested in returning to classroom learning – will likely remain closed until at least the 2nd semester. I’m also employed by a company that won’t allow a return to office for work until at least Q1 of 2021 and am therefore working from home. If construction were to begin during fall of 2020, it will be nearly impossible for

us to continue this arrangement (as we'd be struggling to participate on Zoom calls all throughout the day while drilling, hammering, etc. is taking place within ~20 feet of our windows). We are not sure what flexibility there is to delay construction until early 2021, but if not, we request that Developer (a) tries to minimize loudest construction to afternoon hours instead of morning and (b) provides us with notice during weeks of particularly loud construction (as we may need to find and pay for alternative daytime accommodations for schooling and work).

2) Regarding dirt, residue, dust and any damage resulting from construction: As the back of our home is only ~10 feet from the property line, we expect considerable pollutants to impact our home and yard over the course of the construction process. Our home exterior is white stucco and we anticipate it will be left extremely dirty as a consequence of construction. We kindly ask that, at completion of construction, the Developer agrees to power wash our home, remove construction-related residue/debris from our yard and pay for any damage caused to furniture and/or other structures that are kept in our backyard facing construction site.

3) Regarding the mature Oak tree (#4) at the left-hand rear of the lot: We are relieved to learn that the Commission and Menlo Park arborist have requested the mature oak tree and the mature redwood tree (#3) to be kept and not removed. The oak tree is a key part of what gives our home character. Its trunk is at property line and its branches extend over both our yard (providing shade and privacy) and of course the lot at 1340 Hoover. We also read the notes about the current condition of the oak tree and the proposal to trim back the heavy/unbalanced growth that is most prominent on the 1340 Hoover side. While we support this plan and are ready to work with new owners on an ongoing maintenance plan, we also kindly ask that the trimming of this tree be kept to minimum needed to ensure the tree's health and/or reduce risk of damage to the newly built property. However, we would be quite disappointed if the tree were over-trimmed simply to provide even more room for the new structure (as it's already planned to be at minimum required setback from the property line).

Thanks in advance for consideration of the above.

Regards,

Scott & Diana Blum

- *September 28, 2020, Planning Commission Meeting Public Comments*

Agenda item number F2

Subject Construction Process

Public comment Concerns regarding the construction process

- 1. Hoover street has had lots of construction, most recently 1330 Hoover and 1320 Hoover*
- 2. significant problems in obstructions in the street*
- 3. problems with construction debris in street, causing damage to cars such as tire punctures*
- 4. Hoover has been used as a cut-through street and we have had incidences of altercations*

First name Sandra

Last name Bardas

What is your affiliation? Resident

Address 1 1343 Hoover Street

City Menlo Park State CA Zip 94025

Applicant Presentation: Dan Rhoads, Young and Borlik Architects, said the two heritage trees, a redwood and an oak, were being preserved, and landscaping for screening proposed would include some trees and shrubs. He said the proposal was for two separate single-family residences on an R-3 lot, which allowed for higher density. He noted that the property was surrounded by mostly single-family residences. He said the two homes would have a central parking court. He said the homes were traditional style noting there was no distinctive style home in the surrounding area. He said at the rear of the parcel were commercial properties that faced El Camino Real. He said the right adjacent property was a very similar project to what was being proposed. He said most neighbor comment was focused overall on the construction impacts such as noise and dust. He said the City had best management practices for dust control, excavation and erosion. He said regarding noise and traffic that they would have a person from the general contractor firm that would provide neighbors with contact information for any questions or issues that arose. He said the preference was for the contractor to directly address concerns and not have to have the matter go through the City's code enforcement staff. He said regarding timing that he did not think construction would occur until spring 2021. He said that they would crown clean the oak tree noting the maintenance of it had been deferred for some time. He said regarding privacy on the right side of the project that there was a fairly mature wall of shrubbery along that fence line that currently provided some nice privacy between the two properties and they were proposing something similar on the opposite side that would screen the left and rear side neighbors.

Chair Riggs opened the public hearing.

Public Comment:

- Scott Blum said his property was on the left side of the subject property and he had submitted a letter. He said he appreciated the privacy screening and the proposed timing of the project start. He asked if there was a precedence for the rear of a home facing the side of a home that would have only 30-foot building separation rather than what was typically 40-foot building separation. He said entering their home they would have a view of a massive wall located only 10-foot beyond the property line fence.

Chair Riggs closed the public hearing.

Commission Comment: Chair Riggs asked if the setbacks applying to this two structure project in the R-3 zone conformed to the same setbacks that the adjacent properties in R-3 would conform to. Planner Pruter said the answer was yes. He said due to the orientation of the properties that this issue had arisen before and created a shorter distance between properties than if the two properties were aligned one rear property line to the other rear property line.

Commissioner Kahle referred to the referenced painted shingles and asked if those were wood or fiber cement. Mr. Rhoads said they had not decided yet but they would probably use fiber cement for the texture and longevity. Replying further to Commissioner Kahle, Mr. Rhoads said the shingles would come to a mitered corner and the horizontal siding would have a corner trim board matching in color. He said the windows were aluminum clad wood windows.

Commissioner Kahle complimented the project noting his questions about privacy had been addressed. He said he appreciated the ceiling heights and keeping the wall heights down. He said he really liked that the garage for the front house was in the back of the lot and not visible from the street.

Commissioner DeCardy said the presentation answered his questions. He said the project was very supportable, well designed, made good use of the lot, and would fit well into the neighborhood.

Chair Riggs said the email from the neighbor asked that their white stucco home have the construction dust washed off at the end of the construction project and asked if the applicant was amenable to that. Suzie Frimel, O'Brien Custom Homes, said that they wanted to be good neighbors. She said they had had the same request from the two homes on the right hand side in letters sent earlier. She said if those homes and windows became really dirty during the construction that they would be happy to have those cleaned at the end of the project.

Chair Riggs said parking was limited in the project area as parking was allowed on only one side of Hoover Street and there were apartment buildings. He said it was not required by the City but he thought a construction parking and access plan for the project was needed. He suggested an offsite parking area for construction workers would be helpful for neighbors.

Chair Riggs said there was concern about trimming the oak tree. He asked if the City Arborist set a limit to which the tree might be trimmed. Planner Pruter said the specific requirement was an allowance to trim up to 25% of a tree's limbs and branches and anything beyond that would require a Heritage Tree Removal Permit. He said the project arborist and architect indicated that the plan was to trim less than that amount of the oak tree and it appeared that they would not trim close to that percentage.

Chair Riggs moved to approve the project as recommended in the staff report with the stipulation that a construction parking plan be submitted prior to the issuance of the building permit and for that plan to be reviewed by the Planning and Building Division. He noted the intent of O'Brien Homes to clean off homes affected by the project's construction and to trim the oak tree only to the extent needed and for the benefit of all. Commissioner Kahle seconded the motion.

Planner Pruter confirmed with Chair Riggs that the motion included a condition for a construction parking management plan prior to building permit issuance subject to review of the Planning and Building Division. He asked for clarification on the stucco cleaning and washing. Chair Riggs said that was not a condition but an acknowledgment that O'Brien Homes had stated they would do that tonight.

Chair Riggs added that the design of the project was quite nice, particularly the front building, and he thought it would significantly enhance Hoover Street.

Chair Riggs in calling for the vote noted that Commissioner Kennedy had mentioned she would have to leave the meeting at a certain time, which was prior to this call for the vote.

ACTION: Motion and second (Riggs/Kahle) to approve the item with the following modifications; passes 5-0-2 with Commissioners Barnes and Kennedy absent.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current California Environmental Quality Act (CEQA) Guidelines.

2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. The applicant shall be required to apply for a building permit within one year from the date of approval (by September 28, 2021) for the use permit to remain in effect.
 - b. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, Inc., consisting of 23 plan sheets, dated received on September 21, 2020, and approved by the Planning Commission on September 28, 2020, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. All public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
 - e. Prior to commencing any work within the right-of-way or public easements, the applicant shall obtain an encroachment permit from the appropriate reviewing jurisdiction.
 - f. Required frontage improvements include but not limited to:
 - i. Existing sidewalk, curb, and gutter shall be removed and replaced along the entire project frontages per approved project plans.
 - ii. Any frontage improvements which are damaged as a result of construction shall be replaced.
 - iii. New Street Light (LED fixture per City of Menlo Park standards) shall be installed on existing PG&E pole on Hoover Street.
 - iv. One 24" box street tree shall be planted along Hoover Street frontage.
 - g. The applicant shall slurry seal the entire project frontage (curb to curb).
 - h. Prior to building permit issuance, the applicant shall comply with all Sanitary District, California Water Company, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - i. Prior to building permit issuance, the applicant shall submit plans to remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for the review and approval of the Engineering Division.

- j. Prior to building permit issuance, the applicant shall submit plans for: 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) air pollution control, 4) erosion and sedimentation control, 5) tree protection fencing, and 6) construction vehicle parking. The plans shall be subject to review and approval by the Building, Engineering, and Planning Divisions. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing construction.
- k. Prior to building permit issuance, the applicant shall submit a Grading and Drainage Plan for review and approval. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. A Hydrology Report will be required to the satisfaction of the Engineering Division. Slopes for the first 10 feet perpendicular to the structure must be 5% minimum for pervious surfaces and 2% minimum for impervious surfaces, including roadways and parking areas, as required by CBC §1804.3.
- l. Prior to building permit issuance, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44).
- m. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval of the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- n. If construction is not complete by the start of the wet season (October 1 through April 30), the applicant shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing disturbed soils through temporary or permanent seeding, mulching, matting, tarping, or other physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; and covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions shall be submitted for review and approval of the Engineering Division prior to beginning construction.
- o. Prior to building permit issuance, the applicant shall submit a heritage street tree preservation plan, detailing the location of and methods for all tree protection measures.
- p. Prior to building permit issuance, the applicant shall pay all Public Works fees. Refer to City of Menlo Park Master Fee Schedule.
- q. During the design phase of the construction drawings, all potential utility conflicts shall be potholed with actual depths recorded on the improvement plans submitted for City review and approval.

- r. Prior to building permit issuance, the applicant shall submit engineered Off-Site Improvement Plans (including specifications & engineers cost estimates), for approval by the Engineering Division, showing the infrastructure necessary to serve the Project.
- s. All lateral connections to overhead electric, fiber optic, and communication lines shall be placed in a joint trench.
- t. Prior to issuance of each building permit, the applicant shall pay the applicable Building Construction Street Impact Fee in effect at the time of payment to the satisfaction of the Public Works Director. The current fee is calculated by multiplying the valuation of the construction by 0.0058.
- u. Prior to final inspection, the applicant shall submit a landscape audit report.
- v. The applicant shall retain a civil engineer to prepare "as-built" or "record" drawings of public improvements, and the drawings shall be submitted in AutoCAD and Adobe PDF formats to the Engineering Division prior to Final Occupancy.
- w. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared by Mayne Tree Expert Company, Inc., dated received September 15, 2020.
- x. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.

4. Approve the use permit subject to the following project-specific condition:

- a. Prior to building permit issuance, the applicant shall submit a construction parking management plan, subject to Building and Planning Division review and approval.**

G. Regular Business

G1. Appointment of Commissioners to Ad Hoc Subcommittee on ADUs (Accessory Dwelling Units)

Chair Riggs said Vice Chair Doran and he had requested this item. He said within the City was a demonstrated desire to increase the number of available housing units. He said one of the most effective ways was to have existing owners and existing lots provide units on their own properties, which was the intent of the state law on ADUs to urge cities and towns to do. He said regarding affordable housing units that if a property owner was building an 800 square foot ADU above a new garage the construction costs were around \$600 to \$700 per square foot and the result was probably not affordable. He said existing structures converted to ADUs were also allowed. He said in his opinion this was a financially viable way to provide housing that was not in the going market of \$2,500 per month for a studio apartment. He said the trouble with ADUs converted from for example a car garage or an artist studio was that they were not legal particularly in terms of the building permit. He said the goal tonight was to see which Commissioners might be interested in participating in a subcommittee to make recommendations to the City that might further the legalization of units and potentially to prompt what the limits of an ADU could and should be in the City and perhaps doing more than what the State has required, or perhaps not.

Planner Sandmeier said the purpose of an ad hoc subcommittee as explained by the Chair was to look at one topic and usually such a subcommittee would be dissolved after one year or less. She noted that such a subcommittee did not have any noticing requirements and the meetings were not public. She said it was limited to three commissioners and a vote was not required rather individual commissioners might indicate their interest in serving on the ad hoc subcommittee.

Replying to Chair Riggs, Commissioner Doran said the ad hoc subcommittee on ADUs item was very timely and its purpose was summarized well by the Chair. He said he saw one other area the subcommittee should be empowered to work on and that was implementation of the existing zoning rules. He said they had state rules imposed upon the City's rules for ADUs, noting they had a good example of that tonight. He said he thought it would be helpful to develop some guidelines for when the Planning Commission would consider use permits for things that were not implicitly allowed by state law for ADUs for consistency in the application of exceptions to the state requirements. He said he was interested in serving on the subcommittee.

Chair Riggs asked which of the commissioners might want to serve on the subcommittee indicating he would. Replying to Chair Riggs, Commissioner Kahle said he was interested in participating on the subcommittee. Commissioner Tate said she would like to serve on the subcommittee.

Chair Riggs said a subcommittee of Commissioners Doran, Kahle and Tate was excellent. He said the task of the subcommittee was to come up with the most needed and most viable suggestions that would be presented to Council and brought back to the Commission for comment. He asked if the meeting of October 19 was suitable as a target date to do a first report back to the Commission. Commissioner Doran suggested November 2, the first meeting in November instead.

H. Informational Items

H1. Future Planning Commission Meeting Schedule.

- Regular Meeting: October 5, 2020

Planner Sandmeier said the October 5 meeting agenda would include a mixed-use project at 201 El Camino Real, a single-family development project, and the Menlo Park Community Center study session.

Commissioner Tate said she had another commitment on the evening of October 5 and would not be able to attend the Planning Commission meeting.

- Regular Meeting: October 19, 2020
- Regular Meeting: November 2, 2020

I. Adjournment

Chair Riggs adjourned the meeting at 9:14 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commissioner on October 19, 2020



Pruter, Matthew A

From:
Sent: Sunday, September 27, 2020 1:48 PM
To: Pruter, Matthew A
Subject: Re: Permit for LLC/1340 Hoover Street

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Dear Mr. Pruter,

We recently received notice from the City of Menlo Park about the planned project at 1340 Hoover St. **We are writing to the Commission as the homeowner of 677 Valparaiso Ave, which is adjacent to the left-hand side of the planned subdivision.** While our home entry is on Valparaiso Ave, the rear end of our home – and our narrow backyard – will be facing the left-side yard of the rear structure proposed at 1340 Hoover St.

First, we want to begin by mentioning that – while we understand the R3 zoning in our area permits multiple structures to be built on single lots – it is untrue that the prior owner of 1340 Hoover St. approached us in 2018 with a hand-written note expressing these plans and asking if we had any concerns. We never received a note nor had any related conversations about the same. Instead, we only learned of the ‘potential’ plans to subdivide the lot from a real estate agent who was hosting an open house at 1340 Hoover St. prior to the property sale.

We’d obviously prefer to maintain the privacy we have today - with just a single home on the 1340 Hoover lot and our backyard adjacent to theirs. However, we do appreciate that the proposed development is consistent with the overall character of the neighborhood and have resigned to the fact that the Commission will be approving two homes to be built on the substandard lot. Our intention with this letter then, is to simply outline some of our concerns and ask that the Commission takes these into consideration as the plan moves forward:

1) Regarding noise during construction: Because the entire rear side of our home is only 10 feet from the 1340 Hoover lot, we expect there will be considerable noise during the construction process. We understand this is inevitable with any construction project, but the timing of this one will be especially disruptive for us over the next few months (as I’m sure it will for neighbors on other adjacent sides as well). We have two school-age children who are both relegated to “remote/home learning” as their schools remain closed to students due the pandemic. Our oldest attends Menlo-Atherton High School which – even for students who are interested in returning to classroom learning – will likely remain closed until at least the 2nd semester. I’m also employed by a company that won’t allow a return to office for work until at least Q1 of 2021 and am therefore working from home. If construction were to begin during fall of 2020, it will be nearly impossible for us to continue this arrangement (as we’d be struggling to participate on Zoom calls all throughout the day while drilling, hammering, etc. is taking place within ~20 feet of our windows). **We are not sure what flexibility there is to delay construction until early 2021, but if not, we request that Developer (a) tries to minimize loudest construction to afternoon hours instead of morning and (b) provides us with notice during weeks of particularly loud construction (as we may need to find and pay for alternative daytime accommodations for schooling and work).**

2) Regarding dirt, residue, dust and any damage resulting from construction: As the back of our home is only ~10 feet from the property line, we expect considerable pollutants to impact our home and yard over the course of the construction process. Our home exterior is white stucco and we anticipate it will be left extremely dirty as a consequence of construction. We kindly ask that, at completion of construction, the Developer agrees to power

wash our home, remove construction-related residue/debris from our yard and pay for any damage caused to furniture and/or other structures that are kept in our backyard facing construction site.

3) Regarding the mature Oak tree (#4) at the left-hand rear of the lot: We are relieved to learn that the Commission and Menlo Park arborist have requested the mature oak tree and the mature redwood tree (#3) to be kept and not removed. The oak tree is a key part of what gives our home character. Its trunk is at property line and its branches extend over both our yard (providing shade and privacy) and of course the lot at 1340 Hoover. We also read the notes about the current condition of the oak tree and the proposal to trim back the heavy/unbalanced growth that is most prominent on the 1340 Hoover side. While we support this plan and are ready to work with new owners on an ongoing maintenance plan, ***we also kindly ask that the trimming of this tree be kept to minimum needed to ensure the tree's health and/or reduce risk of damage to the newly built property. However, we would be quite disappointed if the tree were over-trimmed simply to provide even more room for the new structure (as it's already planned to be at minimum required setback from the property line).***

Thanks in advance for consideration of the above.

Regards,

Scott & Diana Blum

From: no-reply@menlopark.org
To: [Herren, Judi A](#); [Jerome-Robinson, Starla L](#); [Silver, Cara](#); [Sandmeier, Corinna D](#); [Chow, Deanna M](#); [Malathong, Vanh](#); [Curtin, Clay J](#)
Subject: Online Form Submittal: September 28, 2020, Planning Commission Meeting Public Comments
Date: Monday, September 28, 2020 6:04:35 PM

September 28, 2020, Planning Commission Meeting Public Comments

Thank you for your interest in the Planning Commission's upcoming discussions. Please use the form below to submit your comments no later than one (1) hour before the meeting. Comments received by that time will be forwarded to the Planning Commission and included as part of the public record for the meeting, just as if you had come to comment in person.

Agenda items on which to comment:

*D1. Approval of minutes from the August 31, 2020, Planning Commission meeting
E1. Use Permit Revision/Verle and Carol Aebi/973 Roble Avenue
E2. Use Permit/O'Brien Custom Homes, LLC/1340 Hoover Street*

Agenda item number	E2
Subject	Construction Process
Meeting date	<i>Field not completed.</i>
Public comment	Concerns regarding the construction process 1. Hoover street has had lots of construction, most recently 1330 Hoover and 1320 Hoover 2. significant problems in obstructions in the street 3. problems with construction debris in street, causing damage to cars such as tire punctures 4. Hoover has been used as a cut-through street and we have had incidences of altercations
First name	Sandra
Last name	Bardas
Email address	
What is your affiliation?	Resident
Other	<i>Field not completed.</i>
Address1	1343 Hoover Street
Address2	<i>Field not completed.</i>
City	Menlo Park

State

CA

Zip

94025

Email not displaying correctly? [View it in your browser.](#)